

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GREG WILLIAM FANTER,

Defendant.

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CASE NO. 8:08CR473

**MEMORANDUM
AND ORDER**

This matter is before the Court on the Defendant's motion to continue trial (Filing No. 132).

The Court previously granted the Defendant's motion for a competency hearing. (Filing No. 90.) The Court then continued trial until September 8, 2009, and speedy trial was excluded under 18 U.S.C. § 3161(h)(1)(A), with the continuance described as due to the "interest of justice." The motion now under consideration states that the competency evaluation is not yet completed.

The Clerk will be directed to place the motion for a competency evaluation (Filing No. 82) back on the Court's pending motion list until the competency hearing has been held. The trial is continued until further order of the Court, and speedy trial will be excluded under 18 U.S.C. § 3161(h)(1)(A), which relates specifically to competency evaluations. The trial is continued until further order of the Court, and the Defendant's motion to continue trial is denied as moot.

IT IS ORDERED:

1. The Clerk is directed to place the "Amended Motion to Determine Competency to Stand Trial; Motion to Continue Trial Date" (Filing No. 82) filed by the

Defendant, Greg William Fanter, back on this Court's list of pending motions, pending the competency hearing;

2. This case is removed from the trial calendar for September 8, 2009, and trial is continued pending further order of the Court. The time between today's date and the date of trial is excluded from the speedy trial calendar under 18 U.S.C. § 3161(h)(1)(A) pending a determination of the Defendant's mental competency; and

3. The Defendant's motion to continue trial (Filing No. 132) is denied as moot.

DATED this 31st day of August, 2009.

BY THE COURT

s/Laurie Smith Camp
United States District Judge